

A BILL

ENTITLED

AN ACT to Amend the Jury Act; and for connected matters.

[]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Jury (Amendment) Act, 2015, and shall be read and construed as one with the Jury Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title,
construction
and
commence-
ment.

(2) This Act shall come into operation on a day to be appointed by the Minister, by notice published in the *Gazette*.

Insertion of
new section
1A in principal
Act.

2. The principal Act is amended by inserting next after section 1, the following as section 1A—

“Interpreta-
tion.

1A. In this Act, references to “jury list” are references to a list as certified pursuant to section 13(1).”.

Amendment of
section 2 of
principal Act.

3. Section 2 of the principal Act is amended by deleting subsection (4).

Amendment
of section 6 of
principal Act.

4. Section 6 of the principal Act is amended—

- (a) in subsection (1), by inserting immediately after the word “Judge,”, wherever it appears, the words “Registrar of the Supreme Court,” in each case; and
- (b) by renumbering subsection (2) as subsection (3) and inserting next after subsection (1) the following as subsection (2)—

“ (2) Any person who knowingly submits false information in relation to any of the matters referred to in subsection (1), commits an offence and shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one hundred thousand dollars or, in default of payment thereof, to a term of imprisonment not exceeding three months.”.

Repeal and
replacement of
section 7 of
principal Act.

5. The principal Act is amended by repealing section 7 and substituting therefor the following—

“Making up of
jury lists.

7.—(1) At such intervals as the Minister may, by order, prescribe, the Director of Elections shall prepare and forward to the Registrar of the Supreme Court a list containing the names in alphabetical order of persons whose names appear on the current official list of electors for elections to the House of Representatives, excluding persons who appear to the Director of Elections to be not qualified for

or exempt from jury service pursuant to section 2, and the list so forwarded shall contain the particulars required by or pursuant to this Act in respect of each such person.

(2) At such intervals as the Minister may, by order, prescribe, the Commissioner General of Tax Administration Jamaica (hereinafter referred to as the “Commissioner General”) shall prepare and forward to the Registrar of the Supreme Court a list containing the names in alphabetical order of persons who are registered under section 17D of the *Revenue Administration Act*, excluding persons who appear to the Commissioner General to be not qualified for or exempt from jury service pursuant to section 2, and the list so forwarded shall contain the particulars required by or pursuant to this Act in respect of each such person.

(3) The lists generated under subsections (1) and (2), shall be combined by the Registrar of the Supreme Court by electronic or other means, and such combined list shall be referred to as the master list.

(4) The Registrar of the Supreme Court shall forward to the Resident Magistrate for each parish and the Chief Officer of Police for each parish, the master list referred to in subsection (3) and a subset list comprising the names of the persons in the master list who are resident in that parish, and that subset list shall be the list from which the jury list for the parish is to be settled in accordance with this Act.”.

6. Section 9 of the principal Act is amended—

- (a) in subsection (2) by deleting the words “on the third Thursday in May in each prescribed year” and substituting therefor the words “at such intervals as the Minister may by order prescribe”; and

Amendment of
section 9 of
principal Act.

(b) by deleting subsection (3) and substituting therefor the following—

“ (3) The Chief Officer of Police for each parish shall attend the Special Petty Session and—

(a) verify and correct, where required, the particulars in the list as provided by the Registrar of the Supreme Court under section 7(4); and

(b) answer upon oath any questions concerning those particulars as may be put to him by the Justices.”.

Repeal and replacement of section 11 of principal Act.

7. The principal Act is amended by repealing section 11 and substituting therefor the following—

“Allowance of list and notification thereof.

11. The list, after such omissions, additions and corrections have been made, shall be allowed by the Justices present, or two of them, who shall sign the same with their allowance thereof, and deliver the same to the Chief Officer of Police; and such officer shall, on or before such date and at such time as may be prescribed, cause a copy thereof to be displayed in a conspicuous place in each Court House and Police Station within his parish, having first subjoined to every such copy a notice stating that all objections to the list will be heard by the Justices at the Court House at the head station of the parish on such date and at such time as may be prescribed, to the end that notice may be given of persons qualified, who are omitted, or of persons inserted, who ought to be omitted from such list.”.

Amendment of section 12 of principal Act.

8. Section 12(1) of the principal Act is amended by deleting the words “on the third Thursday in August at ten o’clock in the forenoon in each prescribed year” and substituting therefor the words “on such date and at such time as may be prescribed”.

9. The principal Act is amended by repealing section 13 and substituting therefor the following—

Repeal and replacement of section 13 of principal Act.

“Final settlement and transmission of jury list to Supreme Court.

13.—(1) Where the list has been settled, the Justices shall certify that the list is to the best of their knowledge and belief, a true and proper list, and their decision as to the qualifications of the persons in that list is final.

(2) The list referred to in subsection (1), to be known in this Act as the “jury list”, shall be forwarded to the Registrar of the Supreme Court, the Clerk of the Court of the parish to which the list relates and the Chief Officer of Police for the parish.”.

10. Section 14 of the principal Act is amended by—

Amendment of section 14 of principal Act.

- (a) deleting the words “certified copy of the list” and substituting therefor the words “jury list”; and
- (b) deleting the words “for the ensuing year, and for each year thereafter”.

11. Section 19 of the principal Act is amended in subsection (2) by deleting paragraph (b) and substituting therefor the following—

Amendment of section 19 of principal Act.

- “ (b) by delivering it at the last or usual place of abode or place of business of the person being summoned, to a person apparently over the age of sixteen years;”.

12. The principal Act is amended by inserting next after section 19 the following as sections 19A, 19B, 19C, 19D and 19E—

Insertion of new sections 19A, 19B, 19C, 19D and 19E in principal Act.

“Employee entitled to serve on jury without any loss of remuneration.

19A. Where an employee has been summoned to jury service, the employee shall be entitled to time away from his place of employment to serve on a jury, without any loss of remuneration or other benefit or advantage, to which the employee is entitled.

Employee's
duty to inform
employer of
receipt of
summons.

19B. Where an employee has been summoned to jury service, the employee shall so inform his employer to that effect, as soon as is reasonably practicable.

Employer's
duty to inform
employer of
receipt of
summons, etc.

19C. Where an employer receives a summons under section 19 on behalf of an employee, the employer shall inform the employee as soon as is reasonably practicable that the employee has been served a summons for jury service.

Employer shall
not punish an
employee who
is summoned
for jury
service.

19D.—(1) Where an employee is served a summons under section 19, the employee's employer shall not—

- (a) refuse to release an employee for jury service pursuant to the summons; or
- (b) do any of the following in connection with the employee providing jury service pursuant to the summons—
 - (i) deprive the employee of remuneration or other benefits;
 - (ii) dismiss the employee or threaten the employee with dismissal; or
 - (iii) take any other punitive action against the employee.

(2) Where an employer who contravenes subsection (1), the employee adversely affected by the contravention may apply to the Court, or to the Industrial Disputes Tribunal, for relief under this section.

(3) Where the Court, or the Industrial Disputes Tribunal, as the case may be, determines that an employer has contravened subsection (1),

the Court or the Industrial Disputes Tribunal, may order—

- (a) the reimbursement of lost wages and benefits, as applicable; and
- (b) the reinstatement of the employees, where the employee has been dismissed by the employer, due to that employee being summoned for jury service or serving as a juror, subject to section 12(5)(c)(iv) of the *Labour Relations and Industrial Disputes Act*.

Person who attends Court for jury service may apply for certificate recording attendance.

19E.—(1) Any person attending Court pursuant to a summons under section 19 may, whether or not the person serves as a juror, apply to the Court for a certificate recording person's attendance at Court.

(2) The Registrar of the Supreme Court shall issue the certificate referred to in subsection (1) (which shall be in the prescribed form) as evidence of the person's attendance at Court.

(3) The certificate referred to in subsection (1) shall—

- (a) state—
 - (i) the days on which the person attended Court (including, where applicable, the days on which the person served as a juror); and
 - (ii) where applicable, the name of the Court and the Judge before whom the case was tried; and
- (b) be signed by the Registrar of the Supreme Court.”

Amendment of
section 31 of
principal Act.

13. Section 31 of the principal Act is amended—

(a) by deleting subsections (1) and (2) and substituting therefor the following—

“ (1) On trials on indictment for—

(a) treason; or

(b) murder—

(i) committed in the circumstances specified in section 2(1)(a) to (f) of the *Offences Against the Person Act*; or

(ii) upon the conviction for which section 3(1A) of the *Offences Against the Person Act* would apply,

twelve jurors shall form the array.

(2) On trials on indictment before the Circuit Court other than for an offence specified in subsection (1), seven jurors shall form the array.”;

(b) in subsection (4) by—

(i) deleting the words “murder or treason” and substituting therefor the words “treason or murder referred to in subsection (1) (b)”;

(ii) inserting in paragraph (a) immediately after the word “murder” the words “referred to in subsection (1) (b)”;

(iii) deleting paragraph (b);

(iv) deleting from paragraph (c) the words “murder or treason” and substituting therefor the words “treason or murder referred to in subsection 1(b)”.

14. Section 33 of the principal Act is amended—

Amendment of
section 33 of
principal Act.

(a) in subsection (1), by deleting the words “murder or treason” and substituting therefor the words “an offence referred to in section 31(1)”;

(b) by deleting subsection (2) and substituting therefor the following—

“ (2) Every person arraigned before the Circuit Court for an offence, other than an offence referred to in section 31(1), shall be allowed to challenge—

(a) four and no more of the jurors, where the arraignment is for the offence of murder (other than murder referred to in section 31(1)(b) or for any other offence that attracts a minimum penalty of a term of imprisonment of not less than fifteen years; and

(b) two and no more of the juror, where the arraignment is for any other offence,

by way of preemptory challenge and without being subject to assign any cause therefor.”;

(c) in subsection (3), by—

(i) deleting the words “or the Deputy Director of Public Prosecutions”; and

(ii) deleting the words “murder or treason, or five” and substituting therefor the words “an offence referred to in section 31(1), or four and no more in the case of an offence referred to in subsection (2)(a), or two”; and

(d) by inserting next after subsection (3), the following as subsections (3A)—

“ (3A) Where a juror is being selected, prior to any evidence being led at the trial, to replace another juror who can no longer serve at that trial—

- (a) the Director of Public Prosecutions, or any Counsel appearing for the Crown, shall be allowed to use any unused peremptory challenges remaining from the allocation to the prosecution; and
- (b) each person arraigned shall be allowed to use any peremptory challenges remaining from that person’s allocation.”.

Amendment of
section 39 of
principal Act.

15. Section 39 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following as subsections (1), (1A), (1B) and (1C)—

“ (1) If any person, having been duly summoned to attend on a jury at any sitting of the Courts of this Island—

- (a) does not attend in pursuance of the summons;
- (b) having been called thrice, does not answer to his name;
- (c) after having been called, is present but does not appear;
- (d) after his appearance, refuses to serve or to be sworn; or
- (e) wilfully withdraws himself from the presence of the Court, without leave of the Court and without reasonable excuse,

the Court may act in accordance with subsection (1A).

(1A) The Court may—

- (a) impose upon the person a fine not exceeding ten thousand dollars; or
- (b) in default of payment of the fine referred to in subsection (1), order the person to perform unpaid work for such number of hours (being in the aggregate not being less than forty nor more than three hundred and sixty hours) as may be specified by the Court in any order made for that purpose.

(1B) Subsections (3), (4), (5) and (6) of section 10 of the *Criminal Justice (Reform) Act* shall apply to an order referred to in subsection (1) as if it were a community service order made under section 10 of that Act.

(1C) Where it appears on information to a Justice of the Peace that the person referred to in subsection (1) has failed to comply with any of the requirements of an order to perform unpaid work made pursuant to subsection (1)—

- (a) the Justice of the Peace may issue a summons requiring the person to appear before a Resident Magistrate for the parish in which that order was made, at a time specified in the summons; and
- (b) the Resident Magistrate shall, upon proof to his satisfaction that the person has failed, without reasonable excuse, to comply with any of the requirements of the order, treat the unpaid fine imposed on him under subsection (1) as being subject to the provisions of section 195 of the *Judicature (Resident Magistrates) Act*.”.

(b) in subsection (2), by deleting all the words appearing after the words “a fine not exceeding” and substituting therefor the words “fifty thousand dollars or, in default of payment thereof, to imprisonment for a term not exceeding one month”.

Insertion of new sections 50A and 50B in principal Act.

16. The principal Act is amended by inserting next after section 50 the following as sections 50A and 50B—

“Minister may amend Schedules. 50A. The Minister may, from time to time, by order published in the *Gazette*, amend any of the Schedules to this Act.

Minister may amend monetary penalties. 50B. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Amendment of section 52 of principal Act.

17. Section 52 of the principal Act is amended by renumbering paragraph (b) as paragraph (c) and inserting next after paragraph (a) the following as paragraph (b)—

“(b) the manner of forwarding any list required for the purposes of this Act, whether electronically or otherwise;”.

Insertion of new section 53 in principal Act.

18. The principal Act is amended by inserting next after section 52 the following as section 53—

“Savings for lists prior to Jury (Amendment) Act, 2015. 53.—(1) Nothing in this Act as amended by the Jury (Amendment) Act, 2015 shall affect the validity of any list required under this Act, that was in existence immediately prior to the coming into operation of that Act.

(2) The Jury (Amendment) Act, 2015 shall not apply to any trial which had commenced prior to the coming into operation of that Act.”.

19. The *Criminal Justice (Administration) Act* is amended by inserting next after section 11, the following as section 11A—

Amendments
to the
*Criminal
Justice
(Administration)
Act.*

“ Where
offences
otherwise
triable by
jury are
triable by
Judge alone.

11A.—(1) Subject to subsection (2), as regards an offence otherwise triable by jury, where (prior to the empanelling of the jury) the prosecution and the accused (or each accused, where more than one person is to be tried jointly for the same offence) in writing agree for the offence to be tried by the Judge alone, the trial for the offence shall proceed in that manner.

(2) Subsection (1) shall not apply to offences referred to in section 31(1) of the Jury Act.”

Passed in the Senate this 16th day of October 2015 with seven (7) amendments.

FLOYD E. MORRIS
President.

MEMORANDUM OF OBJECTS AND REASONS

With the objective of improving efficiency of the administration of the criminal justice system in Jamaica, the Government has decided to reform the jury system in an effort to address the perennial problem of a shortage of jurors to serve the Circuit Courts, which has been contributing significantly to the protracted delays in the disposal of criminal cases. In keeping with this policy and as an additional measure, Schedule A of the Jury Act was amended to significantly reduce the categories of occupation exempt from juror duties.

This Bill therefor seeks to amend the Jury Act to provide for—

- (a) the production of an expanded list of potential jurors from a combination of the voters' list and the list of persons with Tax Registration Numbers (TRN) issued under the *Revenue Administration Act*;
- (b) an array of seven jurors for all jury trials other than for treason or murder where (on conviction) the death penalty may be imposed;
- (c) the enhancement of the jury selection process, by modification of the rules concerning the number of peremptory challenges allowed;
- (d) an amendment to the *Criminal Justice (Administration) Act* to provide for trial by the Judge alone, where prosecution and accused so agree; and
- (e) the statutory protection of employees summoned to serve as jurors against adverse action from their employers.

It is intended that, after the enactment of this Bill but preceding its coming into operation, a ministerial order will be made amending Schedule A to the Jury Act to reduce the categories of occupational groups exempted from jury duty.

MARK J. GOLDING
Minister of Justice.

A BILL

ENTITLED

AN ACT to Amend the Jury Act; and for
connected matters.

As passed in the Honourable Senate.

PRINTED BY JAMAICA PRINTING SERVICES (1992) LTD.,
(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA

SECTION 1 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

1. This Act may be cited as the Jury Act.

SECTION 2 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

2.—(1) Subject to subsections (2), (3) and (4), any person who resides in Jamaica and has attained the age of eighteen

... ..

(4) The Minister may from time to time, by order published in the *Gazette*, amend Schedule A.

(5) Save as provided by or pursuant to this section and subject to section 18, no person qualified to serve shall be exempt from jury service.

SECTION 6 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

6.—(1) No person whose name is on the jury list as a juror shall be entitled to be excused from attendance at court on the ground of any disqualification or exemption, other than illness, not claimed by him at or before the final settlement of the list as hereinafter provided; but a Judge, Resident Magistrate or Coroner may excuse any person if satisfied that—

- (a) that person is disqualified or is entitled to exemption under any provision of this Act; or
- (b) on application by that person or, in the case of an employed person, his employer, such attendance will result in undue financial loss or hardship; or
- (c) such person, for reasons which appear sufficient to the Judge, Resident Magistrate or Coroner, should be excused.

(2) No verdict or finding in any proceedings, whether civil or criminal or a Coroner's inquest, shall be invalidated by reason only of the fact that a person disqualified or exempt from so serving, served on the jury in those proceedings.

SECTION 7 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO REPEAL AND REPLACED

7.—(1) On or before the first day of February in each prescribed year, the Chief Electoral Officer shall prepare and forward to the Chief Officer of Police in each parish, in such form and in such numbers as may be prescribed for the purpose, printed copies of a list containing the names in alphabetical

order of persons in that parish whose names appear on the current official list of electors for elections to the House of Representatives (excluding persons who appear to him to be not qualified for or exempt from jury service pursuant to section 2) and the lists so forwarded shall contain the particulars required by or pursuant to this Act in respect of each such person.

(2) The Registration Authority (as defined by section 17D of the Revenue Administration Act) shall, on or before the first day of February in each year, prepare and forward to the Chief Officer of Police in each parish, printed copies of a list containing the names in alphabetical order of persons in that parish who are registered under section 17D of the Revenue Administration Act (excluding persons who appear to it to be not qualified for, or exempt from, jury service pursuant to section 2).

(3) The lists referred to in subsection (4) shall be in such form and, in such numbers as may be prescribed, and shall contain the particulars required by or pursuant to this Act in respect of each such person.

(4) The Chief Officer of Police in each parish shall forward a copy of each list to the Resident Magistrate in each parish.

(5) During the continuance in force of the Electoral Commission (Interim) Act, any reference in this Act to the Chief Electoral Officer shall be construed as a reference to the Director of Elections appointed under that Act.

(6) In this Act "prescribed year" means the year 1990 and every fourth year thereafter.

SECTION 9 OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO AMEND

9.—(1) The Resident Magistrate in each parish shall summon from the special panel of Justices aforesaid such number of Justices as he considers necessary for the purpose of settling the jury list for that parish; and the Resident Magistrate and the Justices attending pursuant to such summons shall in each parish constitute a Special Petty Session and are hereinafter referred to as "the Justices".

(2) Such Special Petty Session as aforesaid for each parish shall be held on the third Thursday in May in each prescribed year at the Court House for the parish at the head station thereof for the purpose of provisionally settling the jury list; and the Resident Magistrate shall preside at each such Special Petty Session.

(3) At such Session, it shall be the duty of the Chief Officer of Police to attend, and to produce then and there copies of each list forwarded pursuant to section 7, verified and corrected as to the particulars contained

therein, according to the best information which he has been able to obtain, and to answer upon oath such questions concerning the same as shall be put to him by the Justices then present.

(4) It shall be lawful for the Justices to adjourn such Session from time to time to such extent as may be necessary for the purpose of completing the provisional settlement of the jury list.

SECTION 11 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO REPEAL AND REPLACED

11. The list, after such omissions, additions and corrections have been made, shall be allowed by the Justices present, or two of them, who shall sign the same with their allowance thereof, and deliver the same to the Chief Officer of Police; and such officer shall, on or before the first day of August in each prescribed year, cause a copy thereof to be displayed in a conspicuous place in each Court House and Police Station within his parish, having first subjoined to every such copy a notice stating that all objections to the list will be heard by the Justices at the Court House at the head station of the parish on the third Thursday in August at ten o'clock in the forenoon, to the end that notice may be given of persons qualified, who are omitted, or of persons inserted, who ought to be omitted from such list.

SECTION 12 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

12.—(1) The Justices in every parish shall hold a further Special Petty Session at the Court House at the head station thereof, on the third Thursday in August at ten o'clock in the forenoon in each prescribed year, at which the Chief Officer of Police shall attend and produce the original list allowed by the Justices and the Justices shall correct such errors (either in the names addresses or occupations) as shall be brought to their attention by the Chief Officer of Police. At such Sessions the Justices shall hear and finally dispose of any objections that may be made to the list, and shall also select therefrom the names of such persons as in their judgment are best fitted to serve as special jurors (in each of the parishes of Kingston and St. Andrew one hundred and fifty in number and in each of the other parishes of the Island not more than one hundred in number), and cause to be written opposite every name so selected, the words "special juror":

Provided that the insertion opposite any name appearing on such list of the letters "S.J." or either of them or of any other abbreviation of the words "special juror" indicating that the Justices have selected as a special juror the person opposite whose name such letter, letters or abbreviation appears, shall

have the same force and effect as if the words "special juror" had been written opposite such name:

Provided further that no jury list settled for a parish under this section shall be invalidated by reason of the fact only that the aggregate number of persons selected to serve as special jurors for the parish may be greater or less than the number required by this section to be so selected.

(2) The Special Petty Session may from time to time be adjourned to such extent as may be necessary for the purpose of completing the final settlement of the jury list.

SECTION 13 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO REPEAL AND REPLACED

13. After finally settling the jury list as aforesaid, the Justices present shall certify in writing on each of two copies of such list that they have examined it, and that the list is, to the best of their knowledge and belief, a true and proper jury list; and their decision as to the qualifications of the persons in the list shall, as respects that list, be final. A copy of the list so certified shall be delivered to the Clerk of Courts of the parish to be retained by him, and the other copy shall be delivered to the Chief Officer of Police, who shall forthwith transmit the same to the Registrar of the Supreme Court, for preservation by him as part of the records of such Court, at the same time attesting on oath his receipt of the copy of the list from the Justices as aforesaid, and that no alteration has been made therein since his receipt thereof.

SECTION 14 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

14. The persons whose names appear in the certified copy of the list for each parish so transmitted to the Registrar of the Supreme Court shall, as regards those opposite to whose names are written the words "special juror", or the letters "S.J." or either of them, or any other abbreviation of the words "Special Juror", be the special jurors, and as regards the remainder, be the other jurors qualified and liable to serve on the jury for such parish for the ensuing year, and for each year thereafter until the formation of a new jury list.

SECTION 19 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

19.—(1) The Registrar shall cause to be served on each of the jurors whose names are contained in the panel made up pursuant to section 18, twenty-one days at least before the day on which such juror is required to attend, a summons in the form provided in Schedule C.

(2) Any such summons may be served upon any person—

- (a) by delivering it to him; or
- (b) by delivering it to a person apparently over the age of sixteen years and residing at the last or usual place of abode or place of business of the person being summoned; or
- (c) by posting it by registered letter post addressed to him at his last or usual place of abode or place of business.

(3) A summons sent by registered post pursuant to subsection (2)(c) shall be deemed to be served after the expiration of ten days after the date on which it was posted unless the contrary is proved.

(4) Service of the summons may be proved by the affidavit, or joint affidavit, of the person or persons serving it or, in the case of service by registered post, the person or persons who despatched it.

(5) Any summons served in the manner prescribed by subsection (2)(b) shall be deemed to be duly served unless the contrary is proved.

(6) The Registrar of the Supreme Court may, in relation to such parishes as he considers necessary or desirable, arrange for the service of summonses by Bailiffs or Assistant Bailiffs of Resident Magistrates' Courts or by constables or such other persons as the Registrar considers fit who, in relation thereto, shall be paid such fees and travelling expenses as may be approved by the Minister.

SECTION 31 OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO AMEND

31.—(1) On trials on indictment for murder and treason, twelve jurors shall form the array, and subject to the provisions of subsection (3) the trial shall proceed before such jurors.

(2) On trials on indictment before the Circuit Court for any criminal case, other than murder or treason, seven jurors shall form the array.

(3) Where in the course of a criminal trial any member of the jury dies or is discharged by the Court through illness or other sufficient cause, the jury shall nevertheless, so long as the number of its members is not reduced by more than one, be considered as remaining properly constituted for all the purposes of that trial, and the trial shall proceed and a verdict may be given accordingly.

(4) Where one juror has died or has been discharged as provided for in subsection (3), the verdict of eleven jurors in a trial for murder or treason,

or of six jurors in a trial for any other offence. shall be deemed to be unanimous verdict of the jury. and in the case of a trial—

- (a) for murder, a verdict of not less than nine jurors of manslaughter;
- (b) for murder committed in any circumstances other than—
 - (i) those specified in section 2(1)(a) to (f) of the Offences against the Person Act; or
 - (ii) murder upon the conviction of which section 3(1A) or the Offences against the Person Act would apply,
 a verdict of not less than nine jurors of conviction or acquittal for murder; or
- (c) for any offence other than murder or treason, a verdict of not less than five jurors.

may, in accordance with the provisions of section 44, be received and entered as a verdict of the jury.

SECTION 33 OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO AMEND

33.—(1) Every person arraigned for murder or treason shall be allowed to challenge seven and no more of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

(2) Every person arraigned before the Circuit Court for any offence other than murder or treason shall be allowed to challenge five and no more of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

(3) The Crown shall not be permitted to require any juror to stand by, but instead thereof the Director of Public Prosecutions or the Deputy Director of Public Prosecutions or any Counsel appearing for the Crown shall be allowed to challenge, in respect of every person arraigned, seven and no more in the case of murder or treason, or five and no more in any other case, of the jurors by way of peremptory challenge and without being subject to assign any cause therefor.

(4) Nothing in this section shall affect any right of challenge to the polls for cause, either on the part of the prosecution or of the defence, and every such challenge for cause, if objected to by the opposite party, shall be tried and determined by the Court without a jury, and the person challenged shall be examined on oath, and shall be required to answer on oath all lawful questions relating to the trial of the challenge.

SECTION 39 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

39.—(1) If any person having been duly summoned to attend on a jury at any sitting of the Courts of this Island does not attend in pursuance of such summons, or having been called thrice, does not answer to his name, or if any such person, after having been called is present but does not appear, or after his appearance refuses to serve or to be sworn, or wilfully withdraws himself from the presence of the Court without leave of the Court and without reasonable excuse, it shall be lawful for the Court to impose upon him such fine, not exceeding two thousand dollars, as to the Court may seem fit.

(2) Any person who—

- (a) having been summoned for jury service, makes or causes or permits to be made on his behalf, any false representation with the intention of evading jury service; or
- (b) makes or causes to be made on behalf of another person who has been so summoned any false representation with the intention of enabling that other person to evade jury service,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding four thousand dollars or to imprisonment for a term not exceeding six months.

SECTION 50 OF THE PRINCIPAL ACT

50. The powers granted to the Court or a Judge by the provisions of this Act shall be without prejudice to the inherent powers of the Court or a Judge in trials by jury or to the practice of the Courts.

SECTION 52 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

52. The Minister may make regulations generally for giving effect to the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) the form and number of any list required for the purposes of this Act and the particulars to be included in such list;
- (b) the payment of travelling expenses to the jurors in civil and criminal cases.

SECTION 11 OF THE CRIMINAL JUSTICE (ADMINISTRATION)
ACT WHICH IT IS PROPOSED TO AMEND

11. If any person, being arraigned upon or charged with any indictment or information for treason, felony, piracy, or misdemeanour, shall stand mute of

malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "not guilty" on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.